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the next volume, but that postponement leaves the story one-sided and incomplete. There are historians who believe that the beginnings of industrial society in the United States in the years 1865-1873 are in sheer importance more weighty than all the details of reconstruction. One of the great factors in the collapse of political morale that Mr. Oberholtzer so clearly shows, was a deliberate turning of the people from politics to other sorts of social organization as a means of working out their problems. The political history that was vital in the period 1840-1860 ceases to explain the United States after the civil war. And increasingly since that event the historian who would picture America and its motivation must broaden his canvas and increase his themes.

From the point of view that Mr. Oberholtzer has preferred to take, the work is executed with caution, moderation, industry, and fresh scholarship. The new facts and sources hitherto unused serve in most cases to confirm conclusions already reached and widely accepted. In his detailed pictures of men and motives he reaches the highest planes of his historical synthesis. When he presents general principles he is somewhat less successful. If he proceeds with his work at his present pace it is hard to believe that he will not need twelve volumes, instead of the five that he has promised.

FREDERIC L. PAXSON

Life of Roger Brooke Taney, chief justice of the United States supreme court. By Bernard C. Steiner. (Baltimore: Williams and Wilkins company, 1922. 553 p. \$5.00)

When Chief Justice Taney died in 1864 contemporary opinion, outside of the few who knew and appreciated the truly admirable qualities of the man, connected his name with the Dred Scott decision and its bearing on the controversy which was then merged in the great struggle between the sections. To-day as then it is undoubtedly the nullification of the provision in the Missouri organic act, forbidding slavery in a portion of the Louisiana purchase, which comes to mind when Taney is remembered and, with a large proportion of those to whom the name means anything, little or nothing else is recalled. By presenting a painstaking and impartial account of this really important personage Mr. Steiner has performed a service worthy of attention. Nothing valuable as a biography has hitherto been available, for Samuel Tyler's volume, published in 1872, can stand merely as an example of the prevailing eulogistic "life" of the period.

The work in its first two chapters covers Taney's life down to the time he was admitted to the bar in Calvert county, Maryland, and then proceeds chronologically for the most part to treat of him as a member of the Maryland house of delegates, as a lawyer in Calvert county,

Frederick, and Baltimore, as attorney general of the United States, and as chief justice of the supreme court. While the chronological order in general does not obtrude, at least in one instance its subordination to logical sequence would have been preferable; for, in chapter vii, to break the narration of Taney's relation to the United States bank to discuss his other duties as secretary of the treasury does not add to the smoothness of the story.

As might be expected, the high points in the account deal with the bank situation and the Dred Scott case. Taney's influence with Jackson, even before he joined the president's official family as attorney general, as a rule, and particularly in the affair of the bank, is emphasized so that the well established impression of the Marylander's potent part is substantiated. With Taney, in fact, the machinations of the "octopus" of the time was an obsession; for years after he left the cabinet and while he presided over the supreme bench he harked back to the days when the, to him, malign money power of Biddle and his associates threatened to subvert the true functions of the national government. Withal Taney was a federalist of the old school. Mr. Steiner, while telling the story of the advocate as well as that of the judge, finds constantly an opportunity to show that essentially Taney was a follower of the federalism in which he was reared.

Some two-thirds of the book is devoted to Taney the judge. The length of this portion of the life is due in part to, at times, a wearisome detailing of the principal facts connected with all the cases with which the chief justice had direct connection, not alone those which reached the highest court but those arising before the circuit court when Taney was sitting as a member of the bench. Wherever Taney wrote the opinion of the court there is an elaborate abstract of his views; and there is also almost as detailed an account of his dissenting opinions.

Mr. Steiner finds, in common with many of Taney's associates, that his most important work on the bench was his service in standardizing the practice of the court which, under Marshall, had lacked much in this direction. His greatest contribution to jurisprudence was in the case of the *Genesee Chief*, where "the Supreme Court decided, and Taney expressed its opinion, that the admiralty jurisdiction of the United States Courts extends to waters which are navigable, without regard to the ebb and flow of ocean tides."

A full account of the events leading to the case of Dred Scott v. Sandford and an analysis of the various opinions rendered, as well as excerpts which give contemporary views of the disputed issue, make the chapter devoted to this topic one of the valuable contributions of the book. The author, although he believes that Taney made a mistake in

his reasoning, which was based on inadequate grounds, pays a tribute to the honesty and patriotism of the man who dared make it.

In the account of an earlier case (*Briscoe v. the Bank of Kentucky*) there is some ground for believing that the significance of the issue is overlooked, and that a better proportioned narrative would have emphasized the radical turn which the decision involved (pages 194, 195). In another place, when the case of *Luther v. Borden* is under discussion, there is found the curious statement that "Luther was one of the insurrectionists, whom Dorr had arrested." Again, in the chapter entitled "The civil war (1861-1864)" one might take exception to the assertion "Lincoln . . . apparently took no notice of [*ex parte* Merryman], a fact which must cause regret as a blemish in the character of the great President."

Mr. Steiner summarizes his own views of Taney when he says (page 541) "Roger Brooke Taney was a clear-thinking, able, high-minded, hot-tempered, narrow, pertinacious, brave, prejudiced man — a devout Christian and a faithful member of the Roman Catholic Church — the Church of his mother . . . He remained a Federalist until his death, loving the Union and never advancing to the position of a Nationalist. He trusted his friends and was not one easily to forgive an adversary. Brought up in a community of slaveholding planters, he might emancipate his own slaves, but could not rid himself of his predilection toward slavery. An ardent politician in his early years, he was able, for the most part to restrain his political feelings after he had ascended the bench, save in one notable instance."

LESTER B. SHIPPEE

Thirty-fifth annual report of the Bureau of American ethnology. In two parts. Part II. (Washington: Government printing office, 1922)

Early history of the Creek Indians and their neighbors. By John R. Swanton. [Smithsonian institution bureau of American ethnology, bulletin number 73] (Washington: Government printing office, 1922. 492 p.)

Northern Ute music. By Frances Densmore. [Smithsonian institution bureau of American ethnology, bulletin number 75] (Washington: Government printing office, 1922. 213 p.)

These late publications of the bureau of ethnology are of especial interest as marking an epoch in the evolution of that agency of information. Part two of the thirty-fifth annual *Report* is made up of more Kwaikiutl stuff by Franz Boas, and has blessed indications of being the last of it. It is quite as far beyond ordinary comprehension as any that preceded it, but if we are really through with it, we may as well forego "thoughts